REMARKS

The Official Action dated November 30, 2007, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1 through 6 are active in the present applications. Claims 1, 3, 4 and 6 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 through 6 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1 through 6 also stand rejected under 35 U.S.C. §102(b) as being anticipated by D. Bunn and A. Vassilopoulos, "Comparison of seasonal estimation methods in multi-item short-term forecasting", 1999, Elsevier, International Journal of Forecasting, Vol. 15; pages 431-443 (hereinafter referred to as Bunn).

The Official Action also presented an objection to Figure 4, several objections to the specification concerning grammar and spelling errors, and an objection to claim 3 due to a spelling error.

The foregoing amendment presents several corrections to the specification to correct the informalities noted in the Official Action and to overcome the objection to Figure 4. Claims 1, 3, 4 and 6 have been amended to address the rejections of the claims under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §101, and the objection of claim 3.

Rejection of claims 1, 3, 4 and 6 under 35 U.S.C. §112, second paragraph

It is believed that the rejection of claims 1, 3, 4 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been overcome by the amendments to those claims. Claims 1, 3, 4 and 6 were rejected under 35 U.S.C. §112, second paragraph, because the use of the term

"best match" in the limitations of these claims was considered vague and indefinite. Claims 1, 3, 4 and 6 have been amended to remove the term "best match."

Rejection of claims 1-6 under 35 U.S.C. §101

It is believed that the rejection of claims 1 through 6 under 35 U.S.C. §101 as being directed to non-statutory subject matter has been overcome by the amendment to the claims presented above. Claims 1 through 6 were rejected under 35 U.S.C. §101 as constituting only functional descriptive material. Independent claims 1 and 4 have been amended to recite technology that "permits the function of the descriptive material to be realized" as required by MPEP §2106.01.

Rejection of claims under 35 U.S.C. §102(b)

The rejection of claims 1 through 6 under 35 U.S.C. §102(b) as being anticipated by Bunn is respectfully traversed. To anticipate a claim, the reference must teach every element of the claim. *See* M.P.E.P. §2131 (8th ed., Rev. 2), at 2100-67. It is not seen that Bunn teaches every element of claims 1 through 6 of the present application.

Independent claim 1, as amended, recites the steps of:

comparing historical weekly sales data for one of said plurality of products obtained from said data warehouse with each one of said seasonal models stored within said computer storage device;

for each comparison between the historical weekly sales data for said one of said plurality of products and one of said seasonal models, calculating a variance; and

associating said one of said plurality of products with the seasonal model having the smallest variance associated therewith.

The second paragraph on page 433 of Bunn was cited as teaching "comparing historical weekly sales data for one of said plurality of products obtained from said data warehouse with each one of said seasonal models." The second paragraph on page 433 of Bunn is provided below:

> Once similarity values have been found for each of the N items, the aim is then to group them into several homogeneous classes or clusters. In the case study presented below, three classification designs are developed. First, we use the business classes as given by the company. Second, we form groups of products within the business classes, using cluster analysis. Finally, the whole set of time series is then considered to create larger statistical classes of products, to compare with the business classes. It should be noted that the business classes were actually quite different from those obtained by using cluster analysis. In the empirical investigation carried out below, we found no difficulty identifying 10 clusters within the company designated classes as well as four larger statistical classes from the whole data sample, using the standard criteria in SPSS.
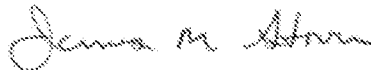
The excerpt from Bunn provided above describes processes for grouping individual time series seasonal indices into (1) groups according to business classes as established by a company, (2) product groups within the business classes formed through cluster analysis, and (3) larger statistical classes created through analysis of the whole set of time series. It is not seen that Bunn, in the excerpt provided above, in section 2, or elsewhere, teaches or suggests a process for comparing historical weekly sales data for a product with a plurality of stored

seasonal models. Bunn describes processes for creating product groups, not for comparing historical weekly sales data for a product with a plurality of stored seasonal models. It is accordingly believed that independent claim 1, and claims 2 and 3 which depend from claim 1, each recite an invention which is patentable over Bunn.

Independent claim 4 includes limitations corresponding to those identified above in the discussion of the rejection of claim 1. For the reasons provided above, it is also believed that independent claim 4, and claims 5 and 6 which depend from claim 4, each recite an invention which is patentable over Bunn.

In view of the foregoing amendments and remarks, it is believed that the application including claims 1 through 6 is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,

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